

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) 8:05CR268
)
)
Plaintiff,)
)
)
v.) ORDER
)
)
OSCAR ALVAREZ,)
)
)
Defendant.)

Before the court is the government's motion for Rule 35(b) hearing. Filing No. 30. Having considered the matter,

IT IS ORDERED that:

1. A Rule 35 hearing is scheduled before the undersigned on **January 30, 2007, at 1:30 p.m.**, in Courtroom No. 3, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska.

2. At the request of the defendant through his counsel, and with the agreement of the government, the defendant may be absent from the hearing on the Rule 35 motion.

3. The Marshal is directed not to return the defendant to the district; and the defendant is held to have waived his right to be present.

4. Counsel for the defendant, if previously appointed pursuant to the Criminal Justice Act, is reappointed to represent the defendant for purposes of the Rule 35(b) motion. If retained, counsel for the defendant remains as counsel for the defendant until the Rule 35(b) motion is resolved or until given leave to withdraw.

5. The Federal Public Defender shall provide CJA counsel with a new voucher.

6. The Clerk of the Court shall electronically serve a copy of this order to counsel for the government, counsel for the defendant, and the Federal Public Defender.

DATED this 12th day of January, 2007.

BY THE COURT:

s/Joseph F. Bataillon

JOSEPH F. BATAILLON

United States District Judge